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E MAR I 4 2011

US BANKRUUN COURT

MICHAEL A. HENRY, ESQUIRE GROSS MCGINLEY, LLP 33 S. 7TH STREET, P.O. BOX 4060 ALLENTOWN, PA 18105-4060 (610) 820-5450 FAX: (610) 820-6006

Counsel for PPL Electric Utilities Corporation

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

IN RE:	CIRCUIT CITY STORES, INC., ET AL.,)	CHAPTER 11	
)	CASE NO. 08-35653	
	Debtors)	JOINTLY ADMINISTERED	

RESPONSE OF PPL ELECTRIC UTILITIES CORPORATION TO THE LIQUIDATING TRUST'S SEVENTH OMNIBUS OBJECTIONS TO CLAIMS

PPL Electric Utilities Corporation ("PPL"), a Pennsylvania corporation, by and through its attorneys, Gross McGinley, LLP, hereby files this Response to the Liquidating Trust's Seventh Omnibus Objections to Claims, and in support thereof avers:

- 1. Respondent is PPL Electric Utilities Corporation, whose address for purposes of this Objection is c/o Michael A. Henry, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.
- 2. PPL is an electric public utility furnishing electric service in its service territory in portions of Eastern and Central Pennsylvania.
- 3. PPL on or about June 4, 2009 filed its Request for Allowance of Administrative Expense (the "Administrative Claim"), Claim No. 13266. A true and correct copy of the Administrative Claim is attached hereto, marked **Exhibit "A"** and is incorporated herein by this reference.

- 4. The Liquidating Trust on or about February 25, 2011 filed its Seventh Omnibus Objection to Claims.
- 5. With respect to PPL's Administrative Claim, the Seventh Omnibus Objection at Part A, Reduction of Certain Partially Invalid Claims, and Exhibit C, Page 2, seeks reduction of PPL's filed Administrative Claim from \$20,582.12 to \$14,662.96, a reduction of \$5,992.16.
- 6. The asserted justification for the reduction is, "Claim should be reduced by \$5,992.16 due to a postpetition overpayment of a prior bill."
- 7. PPL has reviewed its postpetition accounts with Debtor, attached as an Exhibit to the Administrative Claim, and PPL's books and records show no "postpetition overpayment of a prior bill."
- 8. Two of PPL's postpetition accounts, Account Nos. 89150-03109 and 94401-24013, do show credit balances at the onset of the postpetition period. However, in each case the credit was applied to reduce the next cycle of postpetition billing for electric service.
- 9. In summary, there is no support for Liquidating Trust's contention that Debtor is entitled to a reduction of \$5,992.16, "due to a postpetition overpayment of a prior bill." All of Debtor's accruals, payments and credits have been properly applied to the postpetition accounts and the sum of \$20,582.12 remains due and owing to PPL as administrative expense for postpetition electric utility service.
- 10. PPL's designated representative whom the attorneys for the Debtor should serve with any response, and PPL's designated representative for reconciliation, settlement or other resolution of the Objection, is the undersigned counsel for PPL.

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WHEREFORE, PPL Electric Utilities Corporation prays Your Honorable Court to deny the Liquidating Trust's Seventh Omnibus Objection to Claims, as said objection relates to PPL's Administrative Claim.

GROSS MCGINLEY, LLP

DATE: 3-10-11

BY: WAVE / / MICHAEL A. HENRY, ESQUIRE

Attorney for Creditor, PPL Electric Utilities

Corporation

MICHAEL A. HENRY, ESQUIRE GROSS MCGINLEY, LLP 33 S. 7TH STREET, P.O. BOX 4060 ALLENTOWN, PA 18105-4060 (610) 820-5450 FAX: (610) 820-6006

Counsel for PPL Electric Utilities Corporation

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

IN RE:	CIRCUIT CITY STORES, INC., ET AL.,)	CHAPTER 11
)	CASE NO. 08-35653
	Debtors)	JOINTLY ADMINISTERED

CERTIFICATE OF SERVICE

MICHAEL A. HENRY, ESQUIRE, hereby certifies that he served a true and correct copy of the RESPONSE OF PPL ELECTRIC UTILITIES CORPORATION TO THE LIQUIDATING TRUST'S SEVENTH OMNIBUS OBJECTIONS TO CLAIMS, upon the following persons listed below, by first class U.S. mail, postage prepaid, on March 10, 2011:

Jeffrey N. Pomerantz, Esquire Andrew W. Caine, Esquire Pachulski Stang Ziehl & Jones, LLP 10100 Santa Monica Boulevard Los Angeles, California 90067-4100

Phone: (310) 277-6910 Fax: (310) 201-0760

Lynn L. Tavenner, Esquire Paula S. Beran, Esquire Tavenner & Beran, PLC 20 North Eighth Street, 2nd Flr. Richmond, Virginia 23219 Phone: (804) 783-8300 Fax: (804) 783-0178

Respectfully submitted,

GROSS MCOTNLEY, LLP

DATE: 3-10-11

MICHAEL A. HENRY, ESQUIRE

Attorney for Creditor, PPL Electric Utilities

Corporation

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EXHIBIT "A"

MICHAEL A. HENRY, ESQUIRE GROSS MCGINLEY, LLP 33 S. 7TH STREET, P.O. BOX 4060 ALLENTOWN, PA 18105-4060 (610) 820-5450 FAX: (610) 820-6006

Counsel for PPL Electric Utilities Corporation

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

IN RE:	CIRCUIT CITY STORES, INC.,)	CHAPTER 11	
	ET AL.,)		
)	CASE NO. 08-35653	
	Debtors)	JOINTLY ADMINISTERED	

REQUEST OF PPL ELECTRIC UTILITIES CORPORATION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE FROM DEBTOR CIRCUIT CITY STORES, INC.

PPL Electric Utilities Corporation ("PPL"), a Pennsylvania corporation, by and through its undersigned counsel, hereby submits this Request for Allowance and Payment of Administrative Expense pursuant to 11 U.S.C. § 503(b)(1), relating to allowance of the actual, necessary costs and expenses of preserving the Estate, and in support thereof respectfully states as follows:

JURISDICTION

1. The court has jurisdiction over this Request for Allowance and Payment of Administrative Expense pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of this Request is proper under 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On November 10, 2008 (the "Petition Date") the Debtors filed a Voluntary Petition for Reorganization pursuant to Chapter 11 of the Bankruptcy Code. The Debtors

continue to manage and operate their businesses as debtors-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.

- 3. On May 15, 2009 the court entered an Order (the "Administrative Bar Order") establishing June 30, 2009 as the administrative expense bar date (the "Administrative Bar Date") and directing all persons or entities holding an Administrative Expense from and after the Petition Date through and including April 30, 2009 (the "Administrative Period") to file an Administrative Expense Request on or before the Administrative Bar Date.
 - 4. This Request is filed pursuant to the Administrative Bar Order.
- 5. PPL is an electric public utility furnishing electric utility service to customers in Eastern and Central Pennsylvania.
- 6. At the request of Debtor, Circuit City Stores, Inc., PPL furnished electric utility service to Debtor, Circuit City Stores, Inc. during the Administrative Period.
- 7. The following amounts remain due and payable by Debtor, Circuit City Stores, Inc. to PPL as administrative expenses:

TOTAL	\$20,585.12
Account No. 94401-24013	\$2,558.38
Account No. 89150-03019	\$3,109.22
Account No. 47650-17010	\$7,415.02
Account No. 47540-17014	\$7,502.50

- 8. Attached hereto as **Exhibit "A"** and incorporated herein by reference as Account Activity Statements for the four (4) Accounts referenced above.
- 9. The continued furnishing by PPL and consumption by Debtor, Circuit City Stores, Inc. of electric utility service was an actual and necessary cost of preserving the Estate and the

amounts due to PPL are therefore properly allowable as an administrative expense under Code § 503(b)(1).

RELIEF REQUESTED

10. PPL requests that the amount of \$20,585.12 (the "Administrative Claim Amount") be promptly paid by Debtor Circuit City Stores, Inc. or, alternatively, PPL asserts that it is entitled to, and should be provided, adequate assurance of payment of the Administrative Claim Amount or, in the alternative, the Administrative Claim Amount should be allowed and paid to PPL on the same terms obtained by other Administrative Expense Claimants, including all professional persons, under any Plan of Reorganization.

CONCLUSION

WHEREFORE, for the above-stated reasons, PPL respectfully requests that this Honorable Court enter an Order granting to PPL: (i) an allowed Administrative Expense Claim directing prompt payment by Debtor Circuit City Stores, Inc. of \$20,585.12 for unpaid electric utility service during the Administrative Period; and (ii) any other and further relief as this Court deems just and proper.

GROSS MCGINLEY, LLP

DATE: May 29, 2009

MICHAEL A. HENRY, ESQUIRE -ID #27685

33 S. 7TH STREET, P.O. BOX 4060 ALLENTOWN, PA 18105-4060

PHONE: (610) 820-5450 / FAX: (610) 820-6006

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EXHIBIT "A"

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MALCOLM J. GROSS

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DONALD LaBARRE, JR

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> OF COUNSEL DAVID C. KEEHN MICHAEL J. PIOSA

*Also admitted in NY ^oAlso admitted in NJ †Also admitted in DC & MD ·Also admitted in MA

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Please reply to: Allentown Office

Michael A. Henry Direct Dial Number 610/871-1316 mhenry@grossmcginley.com

March 10, 2011

Clerk of the Bankruptcy Court United States Bankruptcy Court 701 East Broad Street, Room 4000 Richmond, Virginia 23219

RE: In re: Circuit City Stores, Inc., et al

Chapter 11, Case No. 08-35653- KRH (Jointly Administered) /

Liquidating Trust's Seventh Omnibus Objection to Claim / PPL Electric Utilities

Corporation

Dear Clerk:

Enclosed please find for filing in your office the Response of PPL Electric Utilities Corporation to the Liquidating Trust's Seventh Omnibus Objections to Claims. Please file the original and return a time-stamped copy to me in the enclosed self-addressed stamped envelope.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

MICHAEL A. HEN

MAH:eab Enclosures

Jeffrey N. Pomerantz, Esquire / Andrew W. Caine, Esquire CC.

Lynn L. Tavenner, Esquire / Paula S. Beran, Esquire

Andrea M. Martino, PPL Electric Utilities Corporation, w/Enc., Via Email

Michelle Lawall-Schmidt, PPL Electric Utilities Corporation, w/Enc., Via Email 00371835.DOC